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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR06-431-RSM
10 v.)
11 ROY CHANNING MITCHELL,) SUMMARY REPORT OF U.S.
12 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 A hearing on supervised release revocation in this case was scheduled before me on
15 March 15, 2011. The United States was represented by AUSA Lisca Borichewski and the
16 defendant by Lynn Hartfield for Amanda Lee. The proceedings were digitally recorded.
17 Defendant moved to proceed pro se. The Court finds the request is knowing and intelligent,
18 explicit and unequivocal, timely and not made for purposes of delay, and the motion is granted.
19 Amanda Lee is appointed standby counsel.

20 Defendant had been sentenced on or about May 25, 2007 by the Honorable Ricardo S.
21 Martinez on a charge of Interstate Travel in aid of Racketeering, and sentenced to 12 months and
22 one day custody, 3 years supervised release. (Dkt. 51.)

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01 The conditions of supervised release included the standard conditions plus the
02 requirements that defendant participate in drug treatment and testing, abstain from alcohol,
03 submit to search, participate in a mental health program and provide access to financial
04 information.

05 On October 27, 2008, defendant admitted to violating the conditions of supervised release
06 by committing the crimes of driving under the influence of alcohol and assault in the 4th degree,
07 and by drinking alcohol. (Dkt. 58.) The conditions of release were modified to require electronic
08 home and sobriety monitoring for up to 120 days. (Dkt. 61.)

09 On January 15, 2009, defendant admitted violating the conditions of supervised release
10 by failing to appear for drug testing as directed, using marijuana, and using opiates. (Dkt. 68.)
11 Defendant was sentenced to six months in custody with credit for time served. (Dkt. 70.)

12 In an application dated February 17, 2011 (Dkt. 74, 75), U.S. Probation Officer Brian K.
13 Facklam alleged the following violations of the conditions of supervised release:

14 1. Failing to refrain from the use of intoxicants on or before February 9, 2011, in
15 violation of the special condition directing him to do so.

16 2. Possessing paraphernalia related to controlled substances on or about February
17 9, 2011, in violation of special condition 7.

18 Defendant was advised in full as to those charges and as to his constitutional rights.

19 Defendant admitted the alleged violations and waived any evidentiary hearing as to
20 whether they occurred. (Dkt. 77.) I therefore recommend the Court find defendant violated
21 his supervised release as alleged in violations 1 and 2, and that the Court conduct a hearing
22 limited to the issue of disposition. The next hearing will be set before Judge Martinez.

01 Pending a final determination by the Court, defendant has been released on the conditions
02 of supervision.

03 DATED this 15th day of March, 2011.

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05 Mary Alice Theiler
06 United States Magistrate Judge

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09 cc: District Judge: Honorable Ricardo S. Martinez
10 AUSA: Lisca Borichewski
11 Defendant: Pro Se
12 Standby counsel: Amanda Lee
13 Probation officer: Brian K. Facklam
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